

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed January 4, 2005. Claims 1-24 were rejected. The claims have been amended to address the concerns raised by the Examiner.

Claims 1-24 were originally presented. Claims 1-24 remain in the application. Claims 16, 17, 24 have been amended. Claims 16 and 17 have been amended to correct dependencies. The preamble of claim 24 was corrected as suggested by the Examiner. No claims have been added.

Claim Rejections - 35 U.S.C. § 102

Claims 1-5, 9-17 and 24 (including independent claims 1, 12, and 24) of the present invention (hereinafter "Collins") were rejected under 35 U.S.C. § 102(e) as being anticipated by Glerum et al. (hereinafter "Glerum") U.S. Patent No. 6,708,333.

In order to most succinctly explain why the claims presented herein are allowable, Applicant will direct the following remarks primarily to the originally presented independent claims with the understanding that once an independent claim is allowable, all claims depending therefrom are allowable.

To better understand Glerum with respect to Collins, a brief explanation of Glerum will be given. Glerum discloses a system and method for reporting failures in an application program module for a corporate file server. (See Glerum Abstract). A "bucket" is saved containing information such as the application name, application version, module name, module version, and an offset into the crashing module of the crashing instruction. (See Col. 7, Lines 3-27). The information can be categorized in a variety of buckets. An administrator of the corporate file server can periodically upload the buckets which contain reports on various crashes from the corporate file server to a destination server, such as a software manufacturer's server. (See Col 10, Line 63 to Col. 11, Line 3; Col. 5 Lines 38-47).

In contrast, the present invention enables diagnosis of an active application and not one that has abnormally terminated or is in the process of termination. This allows a support person

to properly diagnose the active application with clean data that has not been corrupted by illegal operations as the program terminates. (See Collins, ¶ 0028). Independent claim 1 of Collins sets forth a method for enabling remote diagnosis of an **active application** and its related environment on a client computer from a support location. Claim 1, in pertinent part, includes:

requesting a diagnostic information package **relating to the active application**; and
collecting the diagnostic information package **relating to the active application**...

The Glerum reference does not disclose a method for enabling remote diagnosis of an active application. Rather, information is collected, stored, and later transmitted for a post-mortem analysis of why the application crashed. Because it is assumed that the application has crashed in Glerum, there is no need for real-time analysis of the problem in the active application. Therefore, Glerum does not anticipate claim 1. Applicant respectfully submits that claim 1 is allowable, and urges the Examiner to withdraw the rejection.

Independent claim 12 sets forth a system for enabling a support person at a support location to remotely diagnose an active application and its related environment. As discussed above, Glerum does not disclose a system for remote diagnosis of an active application. Rather, the system disclosed in Glerum allows periodic uploading of failure data to a software manufacturer. (See Col. 6, Lines 40-45). Therefore, applicant respectfully submits that claim 12 is allowable, and urges the Examiner to withdraw the rejection.

Independent claim 24 is substantially similar to claim 1. The same arguments given above apply for claim 24. Applicant respectfully submits that claim 24 is allowable for the same reasons as independent Claim 1, and urges the Examiner to withdraw the rejection.

Rejection of the dependent claims 2-5, 9-11, and 13-17 should be reconsidered and withdrawn for at least the reasons given above with respect to the independent claims. The dependent claims, being narrower in scope, are allowable for at least the reasons for which the independent claims are allowable.

Claim Rejections - 35 U.S.C. § 103

Claims 6-8 and 18-23 were rejected under 35 U.S.C. § 103 as being unpatentable over Glerum in view of Wookey, U.S. Patent No. 6,023,507.

Wookey discloses a remote diagnostic system in which a monitoring system collects diagnostic information from monitored computers at predetermined intervals. Combining Wookey with the teachings of Glerum would result in a monitoring system which collects periodic information about crashes from a corporate server. The combination of Glerum and Wookie would not result in a method or system for enabling remote diagnosis of an active application, as previously discussed, since neither Wookie nor Glerum disclose the concept of remote diagnosis of an active application. Both Wookie and Glerum disclose collecting information, but not in real time while an application is active. (See Wookie, Abstract).

With respect to claim 18, Wookie and Glerum do not teach or suggest “a procedural interface ... to retrieve information regarding the operability of the active application”. In addition, this retrieved information is communicated to a remote support tool and neither Wookie nor Glerum teach the use of a remote support tool in combination with diagnostic information from an active application.

Further, rejection of the dependent claims 6-8 and 18-23 should be reconsidered and withdrawn for at least the reasons given above with respect to the independent claims. The dependent claims, being narrower in scope, are allowable for at least the reasons for which the independent claims are allowable.

CONCLUSION

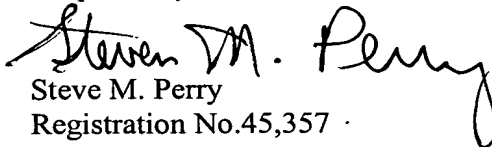
In light of the above, Applicant respectfully submits that pending claims 1-24 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Steve Perry at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

No claims were added. Therefore, no additional fee is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 08-2025.

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Respectfully submitted,


Steve M. Perry
Registration No. 45,357

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633